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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,660	04/03/2001	Toby Selcer	2166.006	2957

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EXAMINER
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LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

10

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

Applicant(s)

09/825,660

Selcer et al

Examiner

Group Art Unit

LAMB

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4/1/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

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## Disposition of Claims

- ☒ Claim(s) 2-7 and 9-22 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 2-7, 9 and 11-22 is/are allowed.
- ☒ Claim(s) 10 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

**Office Action Summary**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Jenner.

Jenner teaches the design of a cable treatment assembly comprised of the following elements: a stator having of first and second semicylindrical shells which are secured together to defining a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator ; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is

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impregnated by the high pressure fluid (See Figures 1-3). The recitation that the rotor can be formed from a single piece of material with a means for spacing the means for hydraulically sealing does not structurally further limit the claimed apparatus over Jenner since claim 10 does not require a means for spacing the hydraulic sealing means and nor require forming the rotor and a means for spacing from a single piece of material. Thus Jenner teaches every positively claimed feature of claim 10.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,158,114.

GB '114 teaches the design of a cable treatment assembly comprised of the following elements: a stator having of first and second semicylindrical shells which are secured together to defining a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator and cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is impregnated by the high pressure fluid (See Figures 3-4). The recitation that the rotor can be formed from a single piece of material with a means for spacing the means for hydraulically sealing does not structurally further limit the claimed apparatus over GB '114 since claim 10 does not require a means for spacing the hydraulic sealing means and nor require forming the rotor and a means for spacing from a single piece of material. Thus GB '114 teaches every positively claimed feature of claim 10.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 790,551.

GB '551 teaches the design of a cable treatment assembly comprised of the following elements: GB '551 teaches the design of a cable treatment assembly comprised of the following elements: a stator having of first and second semicylindrical shells which are secured together to defining a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator and cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is impregnated by the high pressure fluid (See Figures 1-3. The recitation that the rotor can be formed from a single piece of material with a means for spacing the means for hydraulically sealing does not structurally further limit the claimed apparatus over GB '551 since claim 10 does not require a means for spacing the hydraulic sealing means and nor require forming the rotor and a means for spacing from a single piece of material. Thus GB '551 teaches every positively claimed feature of claim 10.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

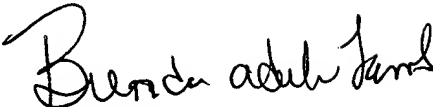
Claim 10 is confusing since it is unclear whether or not applicant is claiming the apparatus is further comprised of a means for spacing the hydraulic sealing means and unclear whether one is claiming the rotor is formed from a single piece of material with the means for spacing. It is suggested that applicant amend claim 10 as follows: at lines 17-18 of claim 10 after "with minimal fluid loss from said assembly wherein said rotor"

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delete "can be" and insert – assembly further includes a means for spacing said means  
for hydraulically sealing and wherein the rotor assembly is --;

Claims 2-7, 9 and 11-22 are allowed.

Any inquiry concerning this communication should be directed to Brenda Lamb at  
telephone number 703-308-2056. The examiner can normally be reached on Monday  
and Wednesday through Friday with alternate Tuesdays off.

  
**BRENDA A. LAMB**  
**PRIMARY EXAMINER**

B. A. Lamb/mn  
July 1, 2003